



*Office of the United States Attorney
District of Arizona*

PRESS RELEASE

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FELON PLEADS GUILTY TO POSSESSION OF FIREARM

PHOENIX – Paul K. Charlton, U.S. Attorney for the District of Arizona, and Lester D. Martz, Special Agent in Charge for the Bureau of Alcohol, Tobacco, Firearms and Explosives, announced that on October 1, 2004, Joshua Dowling, DOB 7/31/81, of Phoenix pleaded guilty to two felony counts of Felon in Possession of a Firearm in violation of the Armed Career Criminal Act, 18 U.S.C. §§ 922(g)(1) and 924(e) before U.S. Magistrate Judge Virginia A. Mathis in Phoenix.

Dowling's plea agreement contained a stipulated sentence of 15.5 years in federal custody. In the course of his guilty plea, Dowling admitted that in February 2004, he was found hiding in a trash can by officer of the Phoenix Police Department near a residence he had just burglarized. Dowling's loaded .45 caliber semiautomatic handgun was found by the officers in the burglary victim's backyard.

Dowling has multiple prior felony convictions including four convictions in Superior Court of Arizona, Maricopa County for Attempted Aggravated Assault Against a Police Officer in March, 1999; two counts of Burglary in the Second Degree, in December, 1999; and Aggravated Assault

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in May, 2001. He was also found in possession of a loaded .38 caliber revolver in January, 2004 by the Scottsdale Police Department during a routine traffic stop of a vehicle in which Dowling was a passenger.

Because he has at least three separate prior felony convictions for crimes of violence, Dowling is subject to sentencing under the Armed Career Criminal Act, 18 U.S.C. § 924(e). A conviction for Felon in Possession of a Firearm in violation of the Armed Career Criminal Act carries minimum mandatory penalty of 15 years to life imprisonment and a possible fine of up to \$250,000. Dowling is presently in federal custody. Sentencing is currently set for December 13, 2004 at 2:30 p.m. before Judge David G. Campbell.

The investigation leading to the federal complaint was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Arizona Department of Public Safety and the Phoenix Police Department. The prosecution in this case is being handled by Assistant U.S. Attorney Frederick A. Battista.

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